

7 Apr 11 1978

MEMORANDUM FOR: Office of General Counsel

STATINTL ATTENTION:

STATINTL FROM:

Deputy Chief, Records Review Branch, ISAS/DDA

SUBJECT: Comments on Draft Executive Order

1. Section 1, Page 1 - Definitions: Recommend that the definitions of sources and methods be restored.

2. Section 2(e)(2), Page 8 - Limitation on Duration of Classification: Rather than schedule foreign material for declassification review at 30 years, suggest that this be rewritten to state "that review or declassification will be accomplished based upon appropriate agreements with the governments that supplied the information."

3. Section 2(g)(7), Page 10 - Prohibitions: There should be a provision that would allow the "recapture" of material accidentally released. Experience has already taught that this can happen (i.e., the accidental release of information concerning Israel's nuclear capability). If this cannot be done, I would opt for the elimination of this paragraph.

4. Section 3(c)(3), Page 11 - Derivative Classification of Information: When dealing with foreign government information, I again recommend that the review be based upon appropriate agreements with the governments that supplied the information rather than a 30-year timetable.

5. Section 4(e)(1), Page 14 - Systematic Review for Declassification:

I like the way this is written but do suggest that the Agency push to have the DDCI authorized by the President to extend classification beyond 20 years.

6. Section 4(e)(2), Page 15 - Systematic Review for Declassification:

a. I would like to see the following sentence completely eliminated from this Section: "All information not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established shall be declassified automatically at the end of 20 years from the date of original classification."

b. Strongly oppose the issuance of CIA declassification guidelines to other agencies or to the Archivist. In-house experience has clearly shown that it takes training and experience to properly interpret our intelligence guidelines. Suggest that instead of issuing specific guidelines that CIA and the rest of the Intelligence Community issue general guidelines as follow:

(1) Intelligence material should be identified prior to being accessioned to the National Archives.

(2) Once accessioned, NARS should segregate this material and hold for the concerned agency's review prior to public release.

7. Section 4(e)(4), Page 15 - Systematic Review for Declassification:

Favor rewrite as follows: "Review for declassification of foreign government information shall be in accordance with the provisions of Section 4(c),

agreements made with the foreign government or international organization from which the classified material was procured, and/or with guidelines developed by the Agency heads in consultation with the Archivist of the United States."

8. Section 4(e)(3), Page 15 - Systematic Review for Declassification: Since the CIA also originates and produces classified cryptologic material, believe that the Agency should be allowed to establish its own procedures for review and declassification.

9. Section 4(e)(5), Page 16 - Systematic Review for Declassification: Since there does not seem to be any way to stop this 10-year transition time frame, strongly urge that Agency management be warned of the resources involved to achieve this goal.

10. Section 4(f)(4), Page 16 - Declassification Requests: The last sentence of this paragraph might lead to conflicts with the Privacy Act (?).

11. Section 5(d)(4), Page 20 - Reproduction Controls: Impractical and probably impossible to enforce.

12. Section 6(c)(1) and (2), Page 22 - Agencies with Original Classification Authority: Since some Agency guidelines will probably be classified, should the Agency submit these to the Oversight Office? Also, does the Agency really wish to publish its unclassified regulations and guidelines in the Federal Register? Finally, since unclassified guidelines and regulations are the only ones mentioned that are to be published in the Federal Register does this automatically mean that classified ones are excluded?

SIGNED

STATINTL

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Approved For Release 2001/03/26 : CIA-RDP85B00236R000200100008-4

Approved For Release 2001/03/26 : CIA-RDP85B00236R000200100008-4